

(195/49) Department.

SERIES.

G.O. No.	1359 P. 14
Dated	12/12/53

[Despatch Abstract.]

Act - The Dentists Act, 1948 - Clarification of term " British subject of Indian domicile" - Government of India's letter - Communicated to the Registrar, Dental Registration issued. .

GOVERNMENT OF INDIA
MINISTRY OF HEALTH

- - -

From

J.N. Saksena, Esquire, B.A.,
Under Secretary to the Government of India.

To

The Secretary to the Government of Madras,
Education and Public Health Department, Madras.

Sub: Dentists Act, 1948 - Clarification of term
"British subject of Indian domicile."

- - -

Sir,

In continuation of this Ministry's letter No.F.10-24/48-MI dated the 29th/30th September 1948, I am directed to say that it has been suggested by the All India Dental Association that before, a British dentist other than of Indian domicile, who claims or wishes to change his domicile to India, is registered in a Province, a verification of his statement to this effect given before a Magistrate or the Registration Tribunal should be made from the representative of the country under whose protection he formerly was. This suggestion falls into two parts:-

- (1) A British subject other than of Indian domicile who claims Indian domicile; and
- (2) A British subject other than of Indian domicile who wishes to change his domicile to India.

2. As regards (1) above, the procedure for determining the domicile of such persons is laid down in the Schedule to Fundamental Rule 75-A, Post and Telegraph Compilation, Volume I, page 331. As regards (2) I am to add that there is at present no statutory provision prescribing the manner in which Indian domicile can be acquired except the one contained in section III of the Indian Succession Act, 1925 (XXXIX of 1925). But a special Bench of Sind (Tyabji J. Dissenting) held that a declaration filed under section II of the Succession Act, while it might provide evidence for determining whether the person has in fact acquired British Indian Domicile, is primarily intended for the purposes of the Succession Act, and, therefore, is not conclusive evidence of the declarant's acquisition of British Indian domicile for the purposes of other Acts (the Divorce Act 1869 in that case).

3. The Government of India, therefore, consider that until some general method of acquisition of domicile in the Dominion of India is laid down by the Legislature, the ratio decidendi of the Sind case can be availed of by the Registration Dental Tribunals constituted under the Dentists Act, 1948, and for the purpose of deciding whether an applicant is a "British subject of Indian domicile", the Tribunals may take into consideration not only the declaration, if any filed by an applicant under the Indian Succession Act, 1925, but also any other available evidence of the applicant's intent to reside in India permanently.

Yours, faithfully,

J.N. Saksena

Under Secretary.

/True Copy/

GOVERNMENT OF MADRAS
ABSTRACT

ACT - The Dentists Act, 1948 - Clarification of term "British subject of Indian Domicile" - Government of India's letter - Communicated to the Registrar. Dental Registration - Tribunal.

EDUCATION & PUBLIC HEALTH DEPARTMENT

G.O.MS.NO. 1359

Dated the 14th April 1949.

Read the following:-

From Government of India, Ministry of Health, letter No.
F.10-24/48-MI-dated 8x 8-4-1949.

O R D E R:

Communicated to the Registrar, Dental Registrars Tribunal, Madras, in continuation of Government Memo No. 11882-G2/49-1 Public Health dated 22nd February 1949.

Sd/- x x x x x
14.4.49.

To
The Registrar, Dental Registration Tribunal,
378, Esplanade, Madras.
The Surgeon-General.

/True Copy/

P. S. S. S. S.
Office Assistant

Madras Record Office.

SP/29.8.

14/29/8

No.F.10-24/48-MI.
Government of India,
Ministry of Health.

New Delhi, the 6th May, 1949.

From

J.N. Saksena, Esquire, B.A.,
Under Secretary to the Government of India,

To

Dr.N.N.Bery,
International and Public Relations
Officer, All India Dental Association,
13, Curzon Road,
NEW DELHI.

Subject:-The Dentists Act, 1948 - Clarification of the term
"British subject of Indian domicile".
- - -

Sir,

With reference to your letter No. IP/691., dated the 14th A
April, 1949, I am directed to say that in the case of an applicant
for registration falling under category (2) of paragraph 1 of this
Ministry's letter No.F.10-244/48-MI., dated the 8th April, 1949
the Registration Tribunal should normally act only on a certified
copy of a declaration of change of domicile properly made and deposited
under section 11 of the Indian Succession Act, 1925, and if such a
copy is produced, the Registration Tribunal need not refer the
matter to the Provincial Government. Whether a change of domicile
so effected does or does not affect the original citizenship
of an applicant is his own look-out, but he certainly becomes a
"British subject of Indian domicile" for the purposes of the
Dentists Act.

Yours faithfully,

J.N. Saksena

Under Secretary.

No.F.10-24/48-MI.

Copy forwarded to.

- (1) All Provincial Governments and Chief Commissioners.
- (2) Ministry of Home Affairs.
- (3) Ministry of Law.
- (4) Director General of Health Services, New Delhi.

By Order,

J.N.Seksena

Under Secretary to the Government of India

/True Copy/

Office Assistant

Madras Record Office.

SP/29.8.

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